

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Samir F. Saba

Serial No.: 10/535,529

Art Unit: 3762

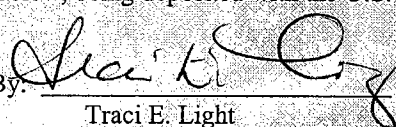
Filed: 05/09/2006

Examiner: Evanisko, G.

Entitled: **A Device And Method to Discriminate Between Supraventricular
Tachycardias And Ventricular Arrhythmias**

**TERMINAL DISCLAIMER UNDER 37 C.F.R. §1.321(c)
TO OBVIATE OBVIOUSNESS-TYPE DOUBLE
PATENTING REJECTION OVER PRIOR
U.S. PATENT No. 7,206,633**

Mail Stop-Amendments
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF ELECTRONIC FILING	
I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Patent and Trademark Office, via EFS.	
Dated: <u>September 9, 2009</u>	By:  Traci E. Light

Examiner Evanisko:

I, the undersigned Thomas C. Howerton, am an attorney of record for this invention, and have power of attorney to act on behalf of the Assignees.

The Assignee, THE UNIVERSITY OF PITTSBURGH, 200 Gardner Steel Conference Center, Pittsburgh, Pennsylvania 15260, is the sole owner of one-hundred percent (100%) interest in the instant application. The assignments which were filed in the prior Application Serial No. **10/717,248** and issued as United States Patent No. **7,206,633**, to which the instant application claims priority as a Divisional Application.


Petitioners' hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent No. **7,206,633** and hereby agree that any patent so granted on the above-identified instant application or any patent subject to the reexamination proceeding shall be enforceable only for and during such period that said patent is commonly owned with United States Patent No. **7,206,633** this agreement to run with any patent granted on the above-identified instant application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioners' do not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, in the event that, once issued, the patent corresponding to U. S. Patent No. **7,206,633** should expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under, has all claims cancelled by a reexamination certificate, is reissued, or is otherwise terminated prior to the expiration of its full statutory term.

Enclosed herewith is the fee set forth in 37 C.F.R. § 1.20(d) in accordance with 37 C.F.R. § 1.321(c).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Dated: 9/09/2009



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